



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

April 08, 2014
1403-VS-07
Exhibit 1

Petition Number: 1403-VS-07

Subject Site Address: 15276 Nashua Circle (the "Property")

Petitioner: John and Donita Hiatt

Representative: Tony Swift, L.J. Stone Company

Request: The petitioner is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (the "Zoning Ordinance") for the Property. The request is to reduce the minimum rear yard setback from thirty (30') feet (WC § 16.04.030.E.6) to twenty three (23') feet.

Current Zoning: SF3 (Single Family-3) District

Current Land Use: Residential

Approximate Acreage: .27 acres

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Site Plan
4. Petitioner's Application

Staff Reviewer: Ryan Clark, Associate Planner

Petition History

This petition will receive a public hearing at the April 08, 2014 Board of Zoning Appeals meeting.

Analysis

The Property is .27 acres +/- in size and is located in the Centennial subdivision (see Exhibit 2). The Property is zoned Single-Family 3 District ("SF3") and currently contains a single family home owned by the Petitioner. The surrounding properties are zoned SF3 and improved with single-family dwelling uses.



The approval of the requested variance would allow the Property to be improved with an addition to the existing home. As proposed, the Petitioner intends to construct a 22' x 14' pavilion patio cover on the northeast corner of the existing dwelling. The addition, as proposed, would be located twenty three (23') feet from the north property line while the required rear yard setback in the SF-3 district is thirty (30') feet.

Procedural

The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the SF3 District permits residential uses and the surrounding properties are used in the same manner.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because the approval of the variance will allow for the improvement of the Property to be in a manner substantially consistent with the quality and character of the surrounding area.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

Finding: The irregularity of the lot shape, in conjunction with the existing improvements creates a practical difficulty in meeting the setback requirements on the Property.

Recommendation

If the Board finds adjacent property values will not be affected in a substantially adverse manner, then the Department recommends approving 1403-VS-07.